REMARKS

I.   INTRODUCTION

Previously pending claims 108-135 have been cancelled, without prejudice. Claims 89-93, 95-98 and 101-107 have been amended to clarify the subject matter recited therein. New claims 136-154 have been added. Accordingly, claims 89-107 and 136-152 are now under consideration in the above-referenced application. Provided above, please find a claim listing indicating the cancellation of claims 108-135, the amendment to claims 89-93, 95-98 and 101-107 and the addition of new claims 136-154 on separate sheets so as to comply with the requirements set forth in 37 C.F.R. § 1.121. It is respectfully submitted that no new matter has been added.

II.   REJECTION UNDER 35 U.S.C. § 112 SHOULD BE WITHDRAWN

Previously-pending claims 89, 90, 108, 109, 127 and 130 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. As an initial matter, claims 108, 109, 127 and 130 have been cancelled above, without prejudice. Thus, the 35 U.S.C. § 112 rejection of these claims is now moot, and should be withdrawn.

With respect to claims 89 and 90, the Examiner apparently believes that the specification of the above-identified application does not describe the concept of transmitting executable instructions from one processing arrangement to another processing arrangement, and believes that the specification only describes the transmission of "the 'rules', not 'executable instructions'" in this manner. (Office Action

dated July 3, 2007, p, 3, lns. 1-4). Applicants respectfully disagree, and submit that the specification is absolutely clear regarding the transmission of executable instructions from one site/processing arrangement to another site/processing arrangement.

In particular, on page 27, lines 16-25 of Applicant's specification, it is clearly stated that:

> "In Step 300, at the first monitoring period, the Agent program is communicated from the monitoring site 2 to the monitored site(s) via the network 11 (e.g., the Internet). Once at the monitored site(s), Agent program evaluates data, sends information back to the monitoring site 2 based on user-defined criteria specified in the IF portion of the monitoring/probing rule and may remain at the monitored site(s) until completion of its tasks (if the agent is terminated by the monitored site, another copy of the agent attempts to get back to the site."

Another example of the transmission of the programs in Applicants' specification is provided on page 28, lines 10-14.

Accordingly, it is clear that the "Agent program" referenced in the above-identified portion of the specification of the present application can and generally does include the executable instructions explicitly recited in the claims of the present application as currently pending. Thus, the transmission of the executable instructions from one processing arrangement to another is indeed fully and abundantly described in the specification of the above-identified application.

Therefore, for at least the reasons presented herein above, the rejection of claims 89, 90, 108, 109, 127 and 130 under 35 U.S.C. § 112, first paragraph should be withdrawn.

III.   REJECTION UNDER 35 U.S.C. § 102(e) SHOULD BE WITHDRAWN

Claims 89-135 stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,029,175 issued to Chow et al. (the "Chow Patent").

As the Examiner shall ascertain, previously pending claims 108-135 have been cancelled above, without prejudice. Accordingly, the rejection of the previously pending claims 108-135 under 35 U.S.C. § 102(e) is now moot, and should therefore be withdrawn.

In addition, Applicants respectfully submit the Chow Patent does not disclose the subject matter recited in amended independent claim 89 and new independent claims 136 and 154, and the claims which depend from independent claims 898 and 136.

In order for a claim to be rejected as anticipated under 35 U.S.C. § 102(b), each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. Manual of Patent Examining Procedure §2131; *also see Lindeman Machinenfabrik v. Am Hoist and Derrick*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

The Chow Patent relates to system and method for information retrieval from a local or remote server in a data network or internetwork, and more specifically to providing a software agent (i.e., "Revision manager") for automatically retrieving changed documents previously accessed from servers on the network and internetwork. (See Chow Patent, col. 1, lns. 13-15; and col. 3, lns. 60-64). The Revision Manager can notice changes in various sorts of objects, and can respond to these changes by notifying interested parties of the same. In addition, each Revision Manager can serve a group of

parties that have similar interests with a shared cache of pertinent objects, and multiple Revision Managers can be employed in this manner to optimize the costs and performance of providing timely and high-quality information to many groups. Finally, the Revision redirects requests for resources to particular ones of several alternative servers to access those expected to produce higher quality information at lower costs. (See *id.*, col. 4, lns. 40-53).

As described in the Chow Patent, each client can send to the Revision Manager a computer program or specification that is executed or followed to notify the party of interest. For example, the Revision Manager can execute a procedure call, send a message, display information, or trigger a specified event for notifying a party of interest of a change in an object of interest. (See *id.*, col. 26, lns. 40-46; and Fig. 34). If a change notification is received by the Revision Manager, then the processor of the Revision Manager looks up in the directory of objects to find the object specified by the change notification. In the usual case, the processor checks a time stamp in the directory indicating when the object was last updated. (See *id.*, col. 29, lns. 24-31; and Fig. 38).

If more than the amount of time has elapsed since the last update in the Chow Patent, or if a search request for a specific object does not find that object in the Revision Manager cache and the request is not a local search request, then the object is obtained from the network by following the object's search specification. For example, the object identification code itself may specify a primary or unique source for the object, and in this case the Revision Manager directs a request over the network to the primary or unique source for the object. (See *id.*, col. 29, lns. 47-57).

Turning to Fig. 31 of the Chow Patent, a data network 300 is provided which uses multiple distributed Revision Managers 301, 302, 303 to optimize access and storage of multiple versions of objects. The multiple Revision Managers 301, 302, 303 are utilized to provide multiple sources of the same frequently accessed documents to provide alternative sources that could be accessed to reduce latency and communications costs. The Revision Manager 302 serves as a buffer between the first local network 305 and the global network 304, and the Revision Manager 303 serves as a buffer between the second local network 306 and the global network. This network architecture can be useful in an electronic library system of a university or research center. In such case, each local network 305, 306 interconnects neighboring clients having a similar technical interest and provide a high speed data link to a cache memory of its associated Revision Manager 302, 303, which stores copies of objects related to the similar technical interest. For example, clients 307, 308 and 309 are linked by the first local network 305 to the Revision Manager 302, and clients 310, 311 and 312 are linked by the second local network 306 to the Revision Manager 303. (See *id.*, col. 22, ln. 61 to col. 23, ln. 24).

The data network 300 also has one or more Revision Managers 301 connected only to the global network interconnect 304. The Revision Manager 301 services clients 317, 318, 319, and 310 connected only to the global interconnect 304. The Revision Manager 302 does not cache objects related only to a particular field of interest, and instead assists in notifying neighboring clients of changes in objects originally stored in neighboring file servers. (See *id.*, col. 23, lns. 28-37).

A.   **INDEPENDENT CLAIM 89 AND 154**

Applicants' invention, as recited in amended independent claim 89, relates to computer accessible medium including a plurality of executable instructions which, when executed on a first processing arrangement, configure the first processing arrangement to perform procedures comprising, *inter alia*:

> transmitting, over a network, first executable instructions from the first processing arrangement to a second processing arrangement, and second executable instructions from the first processing arrangement to a third processing arrangement; and
>
> **causing an execution of the first executable instructions by the second processing arrangement and the second executable instructions by the third processing arrangement**, wherein the execution of (i) *the first executable instructions cause the second processing arrangement to perform at least one first operation which is at least one of a first monitoring operation or a first search operation on the second arrangement*, and (ii) *the second executable instructions cause the third processing arrangement to perform at least one second operation which is at least one of a second monitoring operation or a second search operation on the third arrangement.*

New independent claim 154 relates to a computer system which recites similar subject matter. Exemplary support for such recitations is provided throughout the specification and in the drawings. (See Applicants' specification, *e.g.*, page 28, lines 16-25; and page 28, lines 10-14).

Applicants respectfully assert that the Chow Patent in no way discloses <u>a transmission of first and second executable instructions from one processing arrangement to two other respective processing arrangements, and an execution of such first and second executable instructions by such other respective arrangements, whereas such separate executions of first and second executable instructions perform respective monitoring operations and/or search operation in or</u>

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on separate processing arrangements executing such instructions, as explicitly recited in amended independent claims 89 and new independent claim 154. To summarize, these independent claims recite the transmission of separate executable instructions each to a respective one of two processing arrangements from a particular processing arrangement, and execution of respective instructions on respective processing arrangement receiving these instructions to perform monitoring and/or search operations thereon or therein.

In contrast, the Chow Patent describes that the Revision Manager received a computer program from a client, and uses such program to monitor a network. (See Chow Patent, col. 26, lns. 40-46; and Fig. 34). This transmission of the computer program in the Chow Patent is received by a single computer which has the Revision Manager thereon from another computer. In addition, the Chow Patent describes the use of multiple Revision Managers 301, 302, 303 to optimize access and storage of multiple versions of objects. Each of these multiple Revision Managers 301, 302, 303 receives computer programs from different processing arrangements. (See Show Patent, Fig. 31).

Thus, the Chow Patent does not disclose that multiple programs (e.g., equated by the Examiner to Applicants' claimed executable instructions) are transmitted to multiple computers or processing arrangements (apparently equated by the Examiner as each having a Revision Manager thereon) from a single processing arrangement. As provided above, the Chow Patent apparently describes the use of multiple Revision Managers 301, 302, 303 which receive data from other various processing arrangements or locations. However, the disclosure of the Chow Patent is contrary to the recitation of

Applicants' claimed invention as recited in independent claim 89 and 154 as *the receipt of the executable instructions by multiple processing arrangements from a particular processing arrangement*. Moreover, the Chow Patent fails to disclose *the execution of the transmitted respective executable instructions by each of these multiple processing arrangements* to perform monitoring and/or search operations *on or in such processing arrangements*, as also provided in amended independent claim 89 and new independent claim 154. This is because the multiple Revision Managers 301, 302, 303 described in the Chow Patent do not perform the respective monitoring and/or search operations **<u>on or in the respective processing arrangements executing such executable instructions</u>**.

Further, according to one embodiment, the Revision Manager of the Chow Patent resides in certain locations to provide a change notification when it is determined that there is a revision. It would be counterproductive and indeed contrary to the purpose of the Chow Patent to have multiple Revision Managers that receive the executable instructions from one processing arrangement (instead of from multiple processing arrangements or locations as described in the Chow Patent) to perform such revision management. Indeed, such Revision Managers are provided as buffers between the networks. Accordingly, not only the Chow Patent does not disclose the subject matter recited in amended independent claim 89 and new independent claim 154, the Chow Patent *teaches away* from these independent claims. The "reference must be considered for all that it teaches, not just what purportedly points toward the invention but also that which *<u>teaches away</u>* from the invention. *See Ashland Oil, Inc. v. Delta Resins & Refractories* , 776 F.2d. 281, 296 (Fed.Cir. 1985).

Accordingly, for at least the above described reasons, Applicants respectfully assert that the Chow Patent does not disclose **a transmission of first and second executable instructions from one processing arrangement to two other respective processing arrangements, and an execution of such first and second executable instructions by such other respective arrangements, whereas such separate executions of first and second executable instructions perform respective monitoring operations and/or search operation in or on separate processing arrangements executing such instructions**, as explicitly recited in amended independent claims 89 and new independent claim 154.

B.   INDEPENDENT CLAIM 136

Applicants' invention, as recited in new independent claim 136, relates to a system for performing at least one of a monitoring operation or a search operation by performing procedures comprising, *inter alia*:

> **a first processing arrangement which is configured to (i) receive first executable instructions from a particular processing arrangement via a network, and (ii) execute at least one of the first executable instructions to performs at least one first operation which is at least one of a first monitoring operation or a first search operation on or in the first processing arrangement; and**

> **a second processing arrangement which is associated with and separate from the first processing arrangement,** the second processing arrangement being **configured to (i) receive second executable instructions from the particular processing arrangement via the network, and (ii) execute at least one of the second executable instructions to performs at least one second operation which is at least one of a second monitoring operation or a second search operation on or in the second processing arrangement**

Applicants respectfully assert that the Chow Patent in no way discloses a system which includes two separate processing arrangement, each of which configured to **(i) receive its respective executable instructions from a particular processing arrangement via a network, and (ii) execute (thereon or therein) at least one of the such executable instructions to performs at least one respective operation which is a respective monitoring operation and/or a respective search operation**, as explicitly recited in new independent claim 136.

The reasons as to why the Chow Patent does not disclose the use of two separate processing arrangements to receive separate executable instructions from another further separate processing arrangement, and the executions of such separate executable instructions on the respective processing arrangements to perform the respective monitoring operations and/or the respective search operations have been provided above with reference to independent claims 89 and 154. These arguments are equally applicable to new independent claim 136 which include the recitation of **separate processing arrangement receiving the transmission of the executable instructions thereto from another single processing arrangement so as to perform respective monitoring and/or search operations**.

C.   SUMMARY

Thus, for at least these reasons, amended independent claim 89 and new independent claims 136 and 154 are believed to allowable over the Chow Patent. In addition, it is believed that various claims which depend from independent claims 89 and

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136 are also not disclosed by the Chow Patent at least for at least the same reasons, as well as contain separately patentable subject matter.

IV.   <u>CONCLUSION</u>

In light of the foregoing, Applicants respectfully submit that all pending claims 89-107 and 136-152 are in condition for allowance. Prompt consideration, reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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